



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

SUMMARY MINUTES – JULY 24, 2007

MID MONTH BOARD MEETING MINUTES¹

JULY 24, 2007

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Sean Harrigan, President
Anne Sheehan, Vice President
Patricia Clarey, Member
Richard Costigan, Member

2. REPORT OF THE EXECUTIVE OFFICER – Mary Fernandez

- A.** Suzy has been in Virginia since Saturday attending the NASPE Conference (National Association of State Personnel Executives). She will return tomorrow.
- B.** DPA and SPB staff hosted another HR Modernization Offsite last week with HR Directors from various state departments to discuss the implementation of the HR Modernization Project and what changes departments need in the interim. We received tremendous support for the project and lots of ideas for improvements.
- C.** Yesterday Mike Strazzo and I presented the HR Modernization Project to the Senior Executive Staff at EDD, including the director. Tomorrow I will be presenting to the CalPERS Board at their offsite. And next week the CAPS members (Scientist union) will be coming here for a presentation in the auditorium.
- D.** The final filing date for the HR Mod CEAs is Thursday.
- E.** Lastly, today is Karen Yu's last Board Meeting. She will be transferring to EDD at the end of the month. We'd like to thank Karen for her outstanding service and we will miss her.

¹ The Minutes for the Board Meetings can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

3. REPORT OF THE CHIEF COUNSEL – Elise Rose

- A. Plata v. Schwarzenegger – We are continuing to negotiate with the Receiver to see if we can reach a resolution on issues of the RCEA and physician discipline. The Court has not yet issued an order on the physician discipline issue.
- B. Legal has been assisting Agency with the issue of whether Fair Employment and Housing Commission will move its offices and, if so, the impact on existing employees.

4. NEW BUSINESS

NONE PRESENTED

5. REPORT ON LEGISLATION – Sherry Evans

The Director of Legislation is currently working on AB 671 (Beall), relating to foster youth, with the author's office. Assembly Member Beall is also interested in meeting with the Board members regarding AB 671.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

6. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126(c)(3), and 18653.]
(See Action Taken on Pages 11–15)

8. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

July 24, 2007

Patrick McCollum v. State of California
United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.
Case No. C01-1351 TEH

Colocousis, et al. v. State Personnel Board, et al.
Sacramento Superior Court Case No. 07CS00461

9. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

NO ACTION

10. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

NO ACTION

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

11. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF AUGUST 7-8, 2007, IN LOS ANGELES, CALIFORNIA

The Full Board Meeting originally scheduled for August has been changed to a one-day meeting only, to be held on August 7, 2007, in Pasadena, California.

In addition, the September Board Meeting dates have been changed. The Full Board Meeting will be a one-day meeting, to be held on September 4, 2007, and the Mid-month Board Meeting has been rescheduled to September 24, 2007.

BOARD ACTIONS:

12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF JUNE 19, 2007

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

13. EVIDENTIARY CASES

ACTION: See Case Listings on Pages 11–18

**14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE
SECTION 18671.1 EXTENSION - (See Minutes on Pages 24–25)**

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

15. NON-EVIDENTIARY CASES

ACTION: See Case Listings on Pages 19–21

16. NON-HEARING CALENDAR

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

- A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR
DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH,
REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE
CRITERIA, ETC.**

NONE PRESENTED

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS
FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE
CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO
OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE
PERSONNEL BOARD** propose to abolish the following unused
classifications, which have been vacant for more than twenty-four months.
Departments that utilize the class as well as the appropriate union have no
objection to the abolishment of these classes. When classes are
proposed to be abolished which are part of a class series, and other
classes within the series will continue to be used, the class specification is
included in the board item.

NONE PRESENTED

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE PRESENTED

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

CHIEF, FIRE PROTECTION PROGRAMS

The Department of Forestry and Fire Protection (CAL FIRE) proposes to re-allocate the existing CEA allocation titled Deputy Director, Fire Protection, to the above titled position. The Chief, Fire Protection Programs serves as chief administrator and principal advisor to the Directorate on all policy matters related to the statewide fire protection program in CAL FIRE.

CHIEF OF NORTHERN OPERATIONS

The Department of Forestry and Fire Protection proposes to re-allocate the existing CEA allocation titled Region Chief, Cascade, to the above titled position. The Chief of Northern Operations provides significant input toward the development of statewide policies as they relate to the needs of their regional area.

CHIEF OF SOUTHERN OPERATIONS

The Department of Forestry and Fire Protection proposes to re-allocate the existing CEA allocation titled Region Chief, Sierra, to the above titled position. The Chief of Southern Operations provides significant input toward the development of statewide policies as they relate to the needs of their regional area.

ASSISTANT REGION CHIEF, NORTHERN OPERATIONS

The Department of Forestry and Fire Protection (CAL FIRE) proposes to re-allocate the existing CEA allocation titled Region Chief, Coast, to the above titled position. The Assistant Region Chief, Northern Operations is responsible for developing, influencing, formulating, implementing, and the continued evaluating of departmental programs and policies related to the major functions of the region including: fire protection; forest; range; watershed; and other CAL FIRE programs.

ASSISTANT REGION CHIEF, SOUTHERN OPERATIONS

The Department of Forestry and Fire Protection (CAL FIRE) proposes to re-allocate the existing CEA allocation titled Region Chief, South, to the above titled position. The Assistant Region Chief, Southern Operations is responsible for developing, influencing, formulating, implementing, and the continued evaluating of departmental programs and policies related to the major functions of the region including: fire protection; forest; range; watershed; and other CAL FIRE programs.

ASSISTANT CHIEF COUNSEL, LEGAL AFFAIRS DIVISION

The Board of Equalization proposes to allocate the above position to the CEA category. The Assistant Chief Counsel, Legal Affairs Division develops critical department policies by consistently litigating tax matters that are contrary to the Board of Equalization's position on specific tax issues.

ASSISTANT CHIEF COUNSEL, TAX AND FEE PROGRAMS

The Board of Equalization proposes to allocate the above position to the CEA category. The Assistant Chief Counsel, Tax and Fee Programs is the chief policymaker with respect to legal issues related to every tax and fee program administered by the Board of Equalization.

ASSISTANT DEPUTY STATE CONTROLLER, OFFICE OF THE STATE CONTROLLER

The Office of the State Controller proposes to allocate the above position to the CEA category. This position may be called upon to serve as the State Controller's principal representative for any of the State Boards and Commissions, as well as have the authority to make decisions on his behalf. The position also communicates the Office of the State Controller's statewide policy direction.

COUNSEL, MULTISTATE TAX AFFAIRS, FRANCHISE TAX BOARD

The Franchise Tax Board proposes to allocate the above position to the CEA category. The position is responsible for advising the Executive Officer and Senior Management as the key legal expert and technical and policy advisor on multistate and multinational tax issues as well as a variety of other legal matters and formulates.

STATEWIDE DENTAL DIRECTOR

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Statewide Dental Director manages development, monitoring, evaluation, and improvement in one of six major program areas and is instrumental in both achieving the objectives outlined in the CDCR Strategic Plan and complying with litigation mandates, especially as related to *Perez v Schwarzenegger*.

DEPUTY STATEWIDE DIRECTOR, CORRECTIONAL FACILITY

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Deputy Statewide Director, Correctional Facility, in coordination with the Statewide Dental Director, Correctional Facility assists in the formulation of the strategic planning, oversight of the development and implementation of the Inmate Dental Services Program's Strategic Plan, administration and oversight in achievement of statewide compliance with the settlement agreement of the *Perez v Schwarzenegger* litigation and sets policy to improve access to the quality of dental services to inmate patients within CDCR.

**REGIONAL DENTAL DIRECTORS, CORRECTIONAL FACILITY,
INMATE DENTAL SERVICES**

The Department of Corrections and Rehabilitation proposes to allocate four positions to the CEA category to act as Regional Dental Directors for the Inmate Dental Services Program. The Regional Dental Director, Correctional Facility positions develop, direct and controls implementation and quality assurance of the Inmate Dental Services Program.

DEPUTY DISTRICT DIRECTOR, CAPITAL DELIVER, DISTRICT 11

The Department of Transportation proposes to allocate the above position to the CEA category. The Deputy District Director is responsible for policy development, direction and coordination of the operations of the Capital Delivery Division. These functions include developing and implementing policies for project management, project management support, program management, and capital outlay management support.

**CHIEF, ENTERPRISE RISK MANAGEMENT, DEPARTMENT OF
CORRECTIONS AND REHABILITATION**

The Department of Corrections and Rehabilitation (CDCR) proposes to allocate the above position to the CEA category. The Chief, Enterprise Risk Management (ERM) is responsible for managing the ERM Program for CDCR. The ERM will periodically review, evaluate, and report on the overall effectiveness of various elements related to risk management program elements, as well as advise the Office of Risk Management Assistant Secretary, Executive, and other top management staff on matters relating to the implementation of ERM programs.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**CHIEF, CRIMINAL INTELLIGENCE & ANALYSIS UNIT, OFFICE OF
CORRECTIONAL SAFETY**

The Department of Corrections and Rehabilitation's proposal to allocate the above position to the CEA category has been approved effective June 18, 2007.

**SOUTHERN REGIONAL LIAISON, DIVISION OF COMMUNITY
PARTNERSHIPS**

The Department of Corrections and Rehabilitation's proposal to allocate the above position to the CEA category has been approved effective June 18, 2007.

PROJECT MANAGER, DIVISION OF WORKER'S COMPENSATION

The Department of Industrial Relation's proposal to allocate the above position to the CEA category has been approved effective June 18, 2007.

CHIEF, PLATA SELECTION SERVICES

The Department of Corrections and Rehabilitation's proposal to allocate the above position to the CEA category has been approved effective June 18, 2007.

CHIEF OMBUDSMAN, OFFICE OF THE OMBUDSMAN

The Department of Corrections and Rehabilitation's proposal to allocate the above position to the CEA category has been withdrawn effective June 27, 2007.

**ASSISTANT DEPUTY DIRECTOR, CENTER FOR ENVIRONMENTAL
HEALTH**

**ASSISTANT DEPUTY DIRECTOR, CENTER FOR INFECTIOUS
DISEASE**

**ASSISTANT DEPUTY DIRECTOR, CENTER FOR CHRONIC DISEASE
PREVENTION**

The Department of Public Health's proposal to allocate the above positions to the CEA category has been approved effective June 19, 2007.

**PROJECT MANAGER, ELECTRONIC ADJUDICATION MANAGEMENT
SYSTEM**

The Department of Industrial Relation's proposal to allocate the above position to the CEA category has been approved effective June 18, 2007.

ACTION: NOTED

19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

20. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE

22. RESOLUTION REGARDING REQUEST OF CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR) TO USE 3-RANK LISTS FOR CDCR DENTAL CARE POSITIONS

ACTION: ADOPTED

VOTE: Sheehan, Clarey, Costigan – Aye
Harrigan – No

23. BOARD ACTIONS ON SUBMITTED ITEMS

ACTION: See Minutes on Pages 22–23

A D J O U R N M E N T

**WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 13 – 15
AS NOTED.**

13. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

(1) CASE NO. 05-1007EA

Appeal from denial of discrimination complaint

Classification: Outside contractor

Department: Department of Transportation

Proposed decision rejected December 19, 2006.

Oral argument heard July 10, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

(2) CASE NO. 06-0760A

Appeal from rejection during probation

Classification: Parole Agent I (Adult Parole)

Department: Department of Corrections and Rehabilitation

Proposed decision rejected November 14, 2006.

Oral argument heard July 10, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

(3) CASE NO. 05-2888PA

Appeal from dismissal

Classification: Staff Services Analyst (General)

Department: Department of Consumer Affairs

Petition for rehearing granted October 31, 2006.

Oral argument heard June 5, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

- (4) **CASE NO. 05-1067A**
Appeal from dismissal
Classification: Investigator
Department: Department of Motor Vehicles

Proposed decision rejected January 9, 2007.
Oral argument heard May 8, 2007.
Case ready for decision by FULL Board.

NO ACTION

- (5) **CASE NO. 04-2919ERPA**
Appeal from discrimination and retaliation
Classification: Physician and Surgeon
Department: Department of Corrections and Rehabilitation

Petition for Rehearing granted February 20, 2007.
Oral argument heard May 8, 2007.
Case ready for decision by FULL Board.

NO ACTION

B. CASES PENDING

ORAL ARGUMENTS

NONE PRESENTED

C. CHIEF COUNSEL RESOLUTIONS

On July 24, 2007, the Board took the following action on the case listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

- (1) **CASE NO. 06-4149EP**
Petition for hearing
Classification: Staff Psychiatrist
Department: Department of Social Services
Notice of Findings Dismissing Whistleblower Retaliation Complaint
ACTION: The Board denied the petition for rehearing.

COURT REMANDS

NONE PRESENTED

STIPULATIONS

NONE PRESENTED

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These were ALJ proposed decisions submitted to the Board for the first time.

On July 24, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

- (1) CASE NO. 06-1138**
Appeal from dismissal
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
ACTION: SUBMITTED
- (2) CASE NO. 06-3513**
Appeal from dismissal
Classification: Custodian
Department: Department of Mental Health
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (3) CASE NO. 07-0117**
Appeal from five percent reduction in salary for six months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the reduction in salary.
- (4) CASE NO. 06-2455**
Appeal from five percent reduction in salary for twelve months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the reduction in salary.
- (5) CASE NO. 06-1485**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision modifying the dismissal.

- (6) **CASE NO. 06-3342**
Appeal from 20 working days suspension
Classification: Officer
Department: Department of California Highway Patrol
ACTION: The Board adopted the ALJ's Proposed Decision but asked Legal to prepare a special resolution finding that prior discipline that has been revoked after a hearing before SPB should not be considered when determining the penalty under the progressive discipline principle.
- (7) **CASE NO. 06-1645**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

These were ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

- (8) **CASE NO. 07-0877**
Appeal from 5 days suspension
Classification: Officer
Department: California Highway Patrol
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the 5 days suspension.
- (9) **CASE NO. 07-0892**
Appeal from 5 days suspension
Classification: Officer
Department: California Highway Patrol
ACTION: The Board adopted the ALJ's Proposed Decision revoking the suspension.
- (10) **CASE NO. 07-0095**
Appeal from 3 days suspension
Classification: Officer
Department: California Highway Patrol
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the 3 days suspension.

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On July 24, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

- (1) **CASE NO. 06-1574P**
CASE NO. 06-1576P
CASE NO. 06-1642P
Appeals from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: Petition for rehearing denied.
- (2) **CASE NO. 05-4091P**
Appeal from medical termination
Classification: Youth Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: Petition for rehearing denied.
- (3) **CASE NO. 05-0557RP**
Appeal from one year suspension and demotion
Classification: Professor
Department: California State University, Stanislaus
ACTION: Petition for rehearing denied.
- (4) **CASE NO. 05-3703P**
Appeal from 30 working days' suspension
Classification: Officer
Department: Department of California Highway Patrol
ACTION: Petition for rehearing denied.

WHISTLEBLOWER NOTICE OF FINDINGS

NONE

F. PENDING BOARD REVIEW

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

On July 24, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

(1) CASE NO. 03-3412PA

Appeal from rejection during probation

Classification: Correctional Counselor II (Supervisor)

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted April 3, 2007.

Oral argument originally set July 10, 2007, Sacramento.

Continued to September 4-5, 2007, Sacramento.

NO ACTION

(2) CASE NO. 06-3534A

Appeal from constructive medical termination

Classification: Psychiatric Technician Assistant

Department: Department of Developmental Services

Proposed decision rejected June 19, 2007.

Pending transcript.

NO ACTION

(3) CASE NO. 06-3014PA

Appeal from punitive transfer

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted July 10, 2007.

Pending transcript.

NO ACTION

(4) CASE NO. 06-3023A

Appeal from ten percent reduction in salary for three months

Classification: Psychiatric Technician

Department: Department of Corrections and Rehabilitation

Proposed decision rejected March 2, 2007.

Pending oral argument August 7, 2007, Pasadena.

NO ACTION

July 24, 2007

- (5) **CASE NO. 05-1285A**
Appeal from dismissal
Classification: Public Safety Dispatcher II
Department: Department of California Highway Patrol

Proposed decision rejected January 9, 2007.
Oral argument originally set June 5, 2007, Sacramento.
Continued to September 4-5, 2007, Sacramento.

NO ACTION
- (6) **CASE NO. 06-1338A**
Appeal from rejection during probation
Classification: Industrial Relations Counsel III (Specialist)
Department: Department of Industrial Relations

Proposed decision rejected May 8, 2007.
Pending oral argument August 7, 2007, Pasadena.

NO ACTION
- (7) **CASE NO. 05-1432E**
Appeal from denial of sexual harassment complaint
Classification: Health Facilities Evaluator Nurse
Department: Department of Health Services

Proposed decision rejected June 5, 2007.
Transcript prepared.

NO ACTION
- (8) **CASE NO. 05-3327A**
Appeal from dismissal
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation

Proposed decision rejected July 10, 2007.
Pending transcript.

NO ACTION
- (9) **CASE NO. 06-1732**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

Proposed decision taken under submission June 19, 2007.

ACTION: The Board adopted the ALJ's Proposed Decision
revoking the reduction in salary.

- (10) **CASE NO. 06-0738A**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

Proposed decision rejected May 18, 2007.
Pending oral argument September 4-5, 2007, Sacramento.

NO ACTION
- (11) **CASE NO. 06-2010A**
Appeal from medical termination
Classification: Administrative Support Coordinator II
Department: California State University, Los Angeles

Proposed decision rejected May 8, 2007.
Pending oral argument August 7, 2007, Pasadena.

NO ACTION
- (12) **CASE NO. 07-1381A**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 5, 2007.
Pending oral argument October 2-3, 2007, Sacramento.

NO ACTION
- (13) **CASE NO. 05-1043P**
Appeal from dismissal
Classification: Tax Counsel, Range D
Department: Board of Equalization

Petition for rehearing granted June 5, 2007.
Pending oral argument October 2-3, 2007, Sacramento.

NO ACTION
- (14) **PSC No. 06-03, CASE NO. 07-0806PA**
Appeal from Executive Officer's disapproval of Unarmed Security
Guard Services
Department: California Highway Patrol

Petition for rehearing granted May 8, 2007.
Pending oral argument September 4-5, 2007, Sacramento.

NO ACTION

15. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE PRESENTED

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

On July 24, 2007, the Board adopted, as indicated below, the following items as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

(1) CASE NO. 06-1423N

Classification: Youth Correctional Counselor
Department: Department of Corrections & Rehabilitation
Issue: Suitability; negative employment record.
ACTION: DENIED

(2) CASE NO. 05-3633

Classification: Correctional Officer
Department: Department of Corrections & Rehabilitation
Issue: Suitability; omitted pertinent information.
ACTION: DENIED

(3) CASE NO. 06-1392N

Classification: Correctional Officer
Department: Department of Corrections & Rehabilitation
Issue: Suitability; furnished inaccurate information, negative driving record, negative employment record.
ACTION: DENIED

(4) CASE NO. 06-2413N

Classification: Correctional Officer
Department: Department of Corrections & Rehabilitation
Issue: Suitability; omitted pertinent information, negative law enforcement contacts.
ACTION: DENIED

- (5) **CASE NO. 06-1364N**
Classification: Correctional Officer
Department: Department of Corrections & Rehabilitation
Issue: Suitability; a negative driving record.
ACTION: DENIED
- (6) **CASE NO. 06-2131N**
Classification: Correctional Officer
Department: Department of Corrections & Rehabilitation
Issue: Suitability; omitted pertinent information during the selection process.
ACTION: DENIED
- (7) **CASE NO. 06-2402N**
Classification: Correctional Officer
Department: Department of Corrections & Rehabilitation
Issue: Suitability; a firearms prohibition.
ACTION: DENIED
- (8) **CASE NO. 06-1361N**
Classification: CHP Cadet
Department: California Highway Patrol
Issue: Suitability; omitted pertinent information.
ACTION: DENIED
- (9) **CASE NO. 06-2696N**
Classification: Medical Technical Assistant
Department: Department of Corrections & Rehabilitation
Issue: Suitability; lack of thoroughness, accuracy and good judgment.
ACTION: DENIED
- (10) **CASE NO. 06-0992**
Classification: Cadet, CHP
Department: California Highway Patrol
Issue: Suitability; honesty, integrity, responsibility and driving record.
ACTION: DENIED
- (11) **CASE NO. 06-1146N**
Classification: Correctional Officer
Department: Department of Corrections & Rehabilitation
Issue: Suitability; firearms prohibition.
ACTION: DENIED

July 24, 2007

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

NONE PRESENTED

**C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS**

NONE PRESENTED

**D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board was presented recommendations by a Staff Hearing Officer for final decision on each appeal.

- **CASE NO. 06-3906N**
Department: State Personnel Board Exams Unit
Classification: Office Technician (Typing)
ACTION: DISMISSED

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board was presented recommendations by Appeals Division staff for final decision on each request.

On July 24, 2007, the Board adopted, as indicated below, the following items as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

- (1) **CASE NO. 06-0397N**
Classification: Correctional Sergeant
Department: California Department of Corrections & Rehabilitation
Issue: The charging party requests that charges be filed against the charged party for violations of various subsections of Government Code, section 19572.
ACTION: DENIED

PETITIONS FOR REHEARING CASES

NONE PRESENTED

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

NO ACTION

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

NO ACTION

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures.

(Hearing held July 7, 2004.)

NO ACTION

6. CASE NO. 05-1067A

Appeal from dismissal. Investigator, DMV. Department of Motor Vehicles. (Oral argument held May 8, 2007.)

NO ACTION

7. CASE NO. 04-2919ERPA

Appeal from discrimination and retaliation. Physician & Surgeon, CF. Department of Corrections and Rehabilitation. (Oral argument held May 8, 2007.)

NO ACTION

July 24, 2007

8. CASE NO. 05-2888PA. Appeal from dismissal. Staff Services Analyst (General). Department of Consumer Affairs. (Oral argument held June 5, 2007.)
NO ACTION

9. CASE NO. 06-1732. Appeal from 10 percent reduction in salary for 12 pay periods. Correctional Sergeant. Department of Corrections and Rehabilitation. (Presented to the Board June 19, 2007.)
ACTION: The Board adopted the ALJ's Proposed Decision revoking the reduction in salary.

10. HEARING – PROPOSED AMENDMENTS TO REGULATIONS CONCERNING PROCEDURES THAT APPLY TO COST SAVINGS PERSONAL SERVICES CONTRACTS UNDER GOVERNMENT CODE SECTION 19130(a) (Hearing held July 10, 2007.)
NO ACTION

11. CASE NO. 05-4007EA. Appeal from denial of discrimination complaint. Outside contractor. Department of Transportation. (Oral argument held July 10, 2007.)
NO ACTION

12. CASE NO. 06-0760A. Appeal from rejection during probation. Parole Agent I (Adult Parole). Department of Corrections and Rehabilitation. (Oral argument held July 10, 2007.)
NO ACTION

13. PERSONAL SERVICES CONTRACT NO. 07-01. Appeal of the Department of the California Highway Patrol (CHP) from the Executive Officer's February 21, 2007, Disapproval of CHP's Personal Services Contracts for Custodial Services at the following offices: Torrance Area Office (RFP 078CP62001); Yolo Area Office (RFP 078CP6159); Burney Area Office (RFP 078CP5634R); Anaheim Area Office (RFP 078CP6171); Los Angeles Area Office (RFP 078CP6167); Monterey Park Area Office (RFP 078CP6170); Oceanside Area Office (RFP 078CP6141); Blythe Area Office (RFP 078CP6139); Santa Ana Area Office (RFP 078CP5905R); and Redwood City Area Office (RFP 078CP6143I). (Oral argument held July 10, 2007.)
NO ACTION

14. RESOLUTION REGARDING REQUEST OF CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR) TO USE 3-RANK LISTS FOR CDCR DENTAL CARE POSITIONS. (Presented to the Board July 24, 2007.)
ACTION: ADOPTED

15. CASE NO. 06-1138. Appeal from dismissal. Correctional Lieutenant. Department of Corrections and Rehabilitation. (Presented to the Board July 24, 2007.)
NO ACTION

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

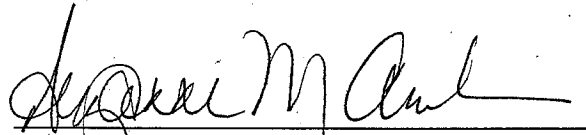
WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on September 4, 2007.

VOTE: Harrigan, Sheehan, Tom, Clarey, Costigan – Aye

A handwritten signature in cursive script, appearing to read "Suzanne M. Ambrose", written over a horizontal line.

Suzanne M. Ambrose
Executive Officer
California State Personnel Board